

**Amendment 1 to
Council Bill No. 4-2010**

BY: The Chair at the request of County Executive

Legislative Day No. 3

Date: March 1, 2010

Amendment No. 1

*(The amendment adds definitions and clarifies procedures for execution and amendment,
termination and suspension, and enforcement of agreements.)*

1 On page 1, make the following changes:

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3 In line 20, strike “GOVERNMENT” and substitute “GOVERNMENTAL”, and after

4 “PERSON” insert “OR LEGAL ENTITY”

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6 After line 22 insert:

7 “(C) DEVELOPMENT MEANS DEVELOPMENT AS DEFINED IN THE HOWARD COUNTY

8 SUBDIVISION AND LAND DEVELOPMENT REGULATIONS.

9 (D) PARTIES MEANS THE COUNTY EXECUTIVE ON BEHALF OF THE COUNTY AND THE

10 PETITIONER.”

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12 In line 23, after “PERSON”, insert “OR LEGAL ENTITY”.

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14 At the end of line 24 after the word “REPRESENTATIVE” insert “OR SUCCESSORS IN

15 INTEREST”.

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17 In line 27 after “66B” insert “SECTION 13.01”.

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19 In line 28 insert:

20 “(I) SUCCESSORS IN INTEREST MEANS, INCLUDING BUT NOT LIMITED TO, A PERSON’S

21 OR LEGAL ENTITY’S AFFILIATES, ALL SUCCESSOR OWNERS OR ASSIGNS, AND ALL

22 PURCHASERS OF EQUITY INTERESTS OR ASSETS.”

1 Renumber the remaining sections accordingly.

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3 In line 30, strike “AND COUNTY COUNCIL”.

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5 In line 31, after “AGREEMENT.” insert “THE COUNTY EXECUTIVE SHALL EXERCISE
6 THE AUTHORITY OF THE PUBLIC PRINCIPAL GRANTED BY THE STATE CODE TO
7 NEGOTIATE, EXECUTE AND ENFORCE AGREEMENTS, EXCEPT THAT THE COUNTY
8 COUNCIL SHALL ACT AS THE PUBLIC PRINCIPAL FOR PURPOSES OF CONDUCTING THE
9 PUBLIC HEARING ON A PROPOSED AGREEMENT AND EITHER APPROVING OR
10 REJECTING AN AGREEMENT OR AN AMENDMENT TO AN EXECUTED AGREEMENT. IN
11 THE SUSPENSION OR TERMINATION OF EXECUTED AGREEMENTS THE COUNTY
12 EXECUTIVE AND COUNTY COUNCIL SHALL ACT TOGETHER AS THE PUBLIC
13 PRINCIPAL UNDER STATE CODE AUTHORITY AS PROVIDED HEREIN.”

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15 On page 3 make the following changes:

16 Strike lines 2 through 3, and substitute:

17 “(A) THE PETITIONER SHALL PETITION THE COUNTY EXECUTIVE TO NEGOTIATE AND
18 EXECUTE AN AGREEMENT. THE PETITION SHALL INCLUDE KEY ELEMENTS OF THE
19 PROPOSED AGREEMENT. WITHIN 10 DAYS OF SUBMITTING A PETITION TO THE COUNTY
20 EXECUTIVE THE PETITIONER SHALL PROVIDE A COPY OF THE PETITION TO THE COUNTY
21 COUNCIL. THE COUNTY EXECUTIVE SHALL FIRST REVIEW THE PETITION TO
22 DETERMINE WHETHER TO ACCEPT THE PETITION AND INITIATE THE NEGOTIATION
23 PROCESS.”

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25 After line 4, insert:

26 “(1) A PRE-SUBMISSION COMMUNITY MEETING CONDUCTED USING THE SAME
27 PROCEDURES ESTABLISHED IN SECTION 16.128(B) – (G) OF THE SUBDIVISION
28 AND LAND DEVELOPMENT REGULATIONS, UNLESS A PRE-SUBMISSION
29 COMMUNITY MEETING HAS ALREADY BEEN HELD FOR THE SAME DEVELOPMENT
30 PROJECT THAT IS ALL OR PART OF THE PROPERTY THAT IS THE SUBJECT OF THE
31 PROPOSED AGREEMENT.”

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In line 5 through 6, strike “A RECOMMENDATION” and substitute “AN ADVISORY DETERMINATION”.

Renumber the remaining sections accordingly.

Strike lines 10 through 14, and substitute
“(C) THE COUNTY COUNCIL MAY APPROVE OR REJECT THE PROPOSED AGREEMENT OR MAY ENCOURAGE THE PARTIES TO SUBMIT A REVISED VERSION.”

In line 16, strike “OF AGREEMENTS.” and substitute “TO EXECUTED AGREEMENTS.”

Strike lines 17 through 21 and substitute:
“AMENDMENTS TO EXECUTED AGREEMENTS SHALL BE GOVERNED BY THE SAME PROCEDURES AS PROVIDED IN SECTION 16.1704 FOR THE CONSIDERATION OF INITIAL AGREEMENTS.”

In line 25 strike “CONSENT.” and substitute “CONSENT, PROVIDED THE COUNTY’S CONSENT SHALL BE EXPRESSED BY A RESOLUTION OF THE COUNTY COUNCIL RECOMMENDED BY THE COUNTY EXECUTIVE.”

In line 26, strike “AND THE COUNTY COUNCIL DETERMINE” and substitute
“RECOMMENDS AND THE COUNTY COUNCIL DETERMINES BY RESOLUTION”.

In line 28 strike “EXECUTIVE AND COUNTY COUNCIL”.

On page 4, in line 9, strike “EXECUTIVE AND THE COUNTY COUNCIL DETERMINE” and substitute “DETERMINES”.

1 Also on page 4, in line 30, strike “*February 1, 2010*” and substitute “*the date of*
2 *enactment of this Act*”.

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4 On page 5, make the following changes:

5 In line 1, after “*County*” insert “*, including the Planning Board, in accordance*
6 *with the provisions of this Act*”.

7 In line 2, after “*Act;*”, insert “*and*”.

8 In line 4, strike “*Act; and*” and substitute “*Act.*”.

9 Strike lines 5 through 7 in their entirety.

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